

BOARD OF SELECTMEN  
MINUTES  
MARCH 10, 2008

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Margaret B. Briggs, Chair; Virginia McIntyre; Anne D. Shapiro; Stanly E. Black, and Gregory P. Howes, Clerk. Also present was Christopher Whelan, Town Manager.

**CONSENT AGENDA**

- Town Accountant's Warrants
- Gift Acceptance: Garden Club of Concord \$750 for CPW Main St. streetscape project; Friends of CC Playing Fields \$70,000 to the Article 30 Playing Fields Account
- One Day Special Wine and Malt License: Emerson Hospital Auxiliary: POPS Concert at 51 Walden, from 6PM – 10PM on April 12

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to approve the Consent Agenda as read.

**TOWN MANAGER'S REPORT**

1. Both the Fire Department and Concord Public Works were highly prepared for the storm forecast on the weekend. Luckily there was no expense to the snow and ice account; on the other hand rivers are very high at this early point in the season.
2. A potential calamity was averted by quick action of Concord Water and Sewer division when a pump failed at the Lowell Road sewer lift station. The crews worked throughout Sunday and Monday to install a replacement pump. No sewage entered the river.
3. The Police Department continues to monitor traffic congestion at Starbucks on Sudbury Road. The new management is cooperative and has posted information for customers regarding parking options.
4. The Town Treasurer reports that all documentation for Thoreau School reimbursement has been submitted to the State. An auditor has been assigned. If all goes well, the Town expects reimbursement for 40% of the \$16,000,000 cost for the building. It is likely the MSBA will render its decision regarding reimbursement in May.
5. The Wastewater Task Force met recently and will continue to meet in open session with minutes available. Membership is made up of Planning and Public Works staff, representatives from boards and committees as well as elected officials. The issue before the task force is that the wastewater system is at capacity and will thus affect development and redevelopment potential of areas on the Town sewer.
6. The Closing for the Strawberry Hill Road parcel is scheduled March 19. Nineteen new homes are to be developed.
7. The former Back Alley Café is being replaced by a new Italian restaurant. There is no change proposed in the number of seats so therefore would not have changes in interior design.
8. The Suburban Coalition plans a breakfast session on economic planning at the State House on April 7. Ms. McIntyre and Ms. Briggs have attended their events in the past.
9. Concord Public Works is sponsoring a business recycling event on April 4 in the parking lot at Baker Avenue. Bulbs, mercury products, electronics, technology, televisions are all accepted. Businesses should contact CPW.
10. Willard School construction bid opening is scheduled for March 27. Seven general contractors picked up plans, including the contractor of Thoreau School. The response is encouraging.
11. The Alexan Concord Hearing before the ZBA resumes on March 13 at the CCHS cafeteria. The Acton Selectmen have asked to meet with Concord officials on this project which is also in the hearing process in Acton on March 17.

Consent Agenda

Town Manager's  
Report

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12. Concord has learned that it is not one of the thirty communities in which Verizon will build-out FiOS. Ms. Shapiro had volunteered to meet with the Regional Director on this issue, but had not yet done so. She asked for the contact information.
13. The Boston Bark franchise operating at Marabello farm on Barrett's Mill Road will begin to use wood ash as a DEP recommended amendment to try to reduce the odor complaints. The Town and company will monitor complaints to compare to the turning of the materials. Regarding company traffic patterns, Mr. Whelan noted that the company had been coming through the center in effort to avoid traffic on Route 2. This seems to have stopped. The police are monitoring this.
14. West Concord Chrysler site dealership is being marketed with many contacts to the Building Commissioner to determine what uses are acceptable under the zoning. National chain pharmacy, restaurant, another dealership have all been interested in the site.
15. Ms. Shapiro asked about the huge pile of sand at the prison. This is material removed from the high school playing fields some of which will be sold and the rest retained for Town use.
16. Ms. McIntyre noted that Mr. Elliott Ring intends to speak with the Town Manager about ways for the Town to help seniors remain in their homes. She suggested a pilot project.

#### **PROCLAMATION: LIGHTS OUT AMERICA**

Brian Crounse, Chair of the Comprehensive Sustainable Energy Committee was present to seek approval for a proclamation regarding energy conservation. The proposal is an effort to increase the awareness of the community to the cost of consuming energy.

In addition, the committee wants to encourage greater use of compact fluorescent bulbs as a long term strategy for energy reduction. CMLP will donate 300 compact bulbs for a bulb exchange and will track the energy saved during the one hour period.

Mr. Crounse also stated that the Comprehensive Sustainable Energy Committee will be considering and making recommendations to the Town Manager regarding energy conservation projects for Town buildings to be funded by the Sawyer Trust.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY  
**VOTED:** to approve the proclamation as read.

#### **BRUCE FREEMAN RAIL TRAIL COMMITTEE RECOMMENDATIONS REGARDING SCHEMATIC DESIGN.**

Elissa Brown, Chair of the Bruce Freeman Rail Trail Committee was present to update the Board on the Committee recommendations regarding the schematic design of the rail trail in advance of the Town Meeting Hearing on March 17.

Ms. Brown stated that over the two years of the committee many issues have been addressed and compromises considered. Consultant VHB has presented the 25% schematic design based on Mass Highway standards since that is the likely source of trail funding. The route proposed is the railroad right of way except at the MBTA site in West Concord. The route was chosen for its environmental, economic and recreational impacts.

The surface treatment recommended is a compromise that has the trail asphalt paved on the northerly portion and a stabilized stone-dust-like surface on the southerly portion. Both surfaces are fully handicap accessible. The width of the trail will be 10 feet wide with two foot grass shoulders and an additional foot of horizontal clearance and eight feet of vertical clearance.

There will be two parking areas for the trail, one near the Department of Correction and Commonwealth Ave. intersection and one in the Right of Way north of the tracks in the West Concord Station. One handicap space is planned at Williams Road.

Proclamation

Bruce Freeman Rail  
Trail

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Two **rest stops** are planned on the route, where there will be picnic tables and a bike rack. These will be near the prison cemetery and Jennie Dugan Brook. A **restroom** near West Concord Station has not been designed and is a placeholder only.

The **West Concord train crossing** is under discussion with the MBTA. Until resolution, there is a gap in the trail. Trail users will be directed down the spur to Commonwealth Avenue, but this is a narrow highly travelled route.

The Powder Mill Road **culvert** is proposed to remain in its current state as a cost saving measure. Both fire and police access is possible.

The recommended construction plan calls for **phasing** – Route 2 to Commonwealth Ave. that will be done contemporaneously with the Prison Rotary safety construction, Commonwealth Ave. to Powder Mill Road that will be the first phase, and Powder Mill Road to the Sudbury town line that will be done when it can be linked to the Sudbury of the project.

Some issues such as landscaping, trail maintenance, and hours of operation are not design matters and will be appropriately dealt with at later stages. The Bruce Freeman Rail Trail Committee recommends that the Board of Selectmen submit the Project Need Form to Mass Highway so that the project can get into the funding queue and be ready to go upon a successful vote of Town Meeting. Upon successful review by Mass Highway, the plan will progress to the 75% stage for which additional funds are required. This likely to be a matter considered by the 2009 Town Meeting.

The Board discussed 1) whether there was a risk in submitting the Project Need Form before Town Meeting has acted, i.e., would components become the responsibility of the Town if they were introduced after the form was submitted; 2) the Warrant Article includes the list of issues that could return to Town Meeting for approval; 3) the iterative nature of the Mass Highway process; 4) the culvert decision was made in deference to the neighbors and consideration of expenses; 5) geotech issues have not been resolved at this time; 6) Mass Highway review could take a few weeks or a few months; 7) 75% and 100% design plus contract specifications must be in hand before Mass Highway would commit funding; 8) there has been no encroachment on the right of way in Concord and the ownership has never been doubt.

Ms. Briggs thanked the Bruce Freeman Rail Trail Committee for its many months of work. She reminded everyone that the Hearing on all rail trail articles would be on March 17 at Alcott School. At the conclusion of the Hearing the Board will continue in open session to consider its positions for Town Meeting. A meeting has also been posted for March 18 if required.

Ms. Shapiro noted that there are regional issues to consider in the rail trail discussion and recommended that all action be stopped for fear of unintended consequences. Ms. Briggs stated that this is one portion of a trail running from Lowell to Framingham and is a State transportation priority

#### **COMMITTEE LIAISON REPORTS**

Ms. McIntyre reported that Concord Climate Action Network will continue its work in the community. It is hoped that the Selectmen will be engaged in activities.

Ms. McIntyre reported that the Tax Fairness Subcommittee is continuing its outreach regarding a local option real estate tax, which was a recommendation of the Comprehensive Long Range Plan. Constitutional issues need to be resolved, but many communities are in fiscal crisis that can be helped by this prospect.

Ms. McIntyre stated that the Hugh Cargill Trust Committee continues its outreach to provide tax relief. She encouraged additional donations so that the fund is not entirely consumed.

Mr. Black stated that there will be an open house at Willard School on March 12 to update the community on the design process.

Liaison reports

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Ms. Shapiro reported that at a HATS meeting she learned of increased traffic along the Route 128 corridor due to planned commercial and residential development in the region. There was discussion of building a multi-modal transportation facility in the area. Ms. Briggs agreed that this matter could go on an upcoming agenda when Ms. Shapiro provided more information for discussion.

**SELECTMEN'S POSITIONS ON WARRANT ARTICLES**

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to recommend Affirmative Action on Article 3.

Upon a Motion duly made and Seconded, the Board

**VOTED:** to recommend No Action on Article 36 (yes-4, no- Shapiro)

Upon a Motion duly made and Seconded, the Board

**VOTED:** to recommend No Action on Article 37 (yes-4, no- Shapiro)

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to recommend Affirmative Action on Article 38.

Upon a Motion duly made and Seconded, the Board

**VOTED:** to recommend Affirmative Action on Article 39 (yes-4, no-Howes)

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to recommend Affirmative Action on Articles 40 and 41.

Upon a Motion duly made and Seconded, the Board

**VOTED:** to recommend No Action on Articles 42 and 43. (yes-4, no-Black)

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

**VOTED:** to recommend Affirmative Action on Article 44.

The Board discussed the number of and poor attendance at hearings this year and resolved to consolidate the hearings next year.

**CITIZEN COMMENT**

Town Moderator Ned Perry stated that he is developing a clearer idea of process regarding the rail trail articles. They will be considered as high interest articles on the Tuesday Town Meeting. He asked that all amendments to the articles be submitted by noon on April 25 so that he could put them in a logical order. He outlined a process that included full knowledge of all rail trail articles before voting on any of them.

Mr. Perry asked that the Bruce Freeman design report be available at Town Meeting so that all could be aware of the process, the compromises and procedures. Mr. Perry noted a new brochure from CCTV that he hopes will be amended before it is released.

**MISCELLANEOUS/CORRESPONDENCE**

1. Ms. McIntyre announced that the League of Women Voters is sponsoring a Bruce Freeman Rail Trail trail walk on April 12 at 9:15AM.
2. Mr. Howes reminded everyone of the Honored Citizen Reception on March 16, at which Marian Thornton will be honored.
3. Ms. Shapiro reminded the Board of the responsibility to evaluate the Town Manager.

**COMMITTEE NOMINATIONS**

Ms. McIntyre nominated George Barnard of 25 Jennie Dugan Road to the White Pond Advisory Committee for a term to expire May 31, 2010.

**COMMITTEE REAPPOINTMENTS**

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Warrant Article posi-  
tions

Citizen Comment

Misc./Corres.

Nominations

Re-appt.

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**VOTED:** to reappoint Arra Avakian of 501 powder Mill Road to the White Pond  
Advisory Committee for a term to expire May 2011

**ADJOURNMENT**

On a motion duly made and seconded, it was:

**VOTED:** To adjourn the Open Session and to conclude business for the evening.

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Stanly E. Black	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Gregory P. Howes, Clerk

Adjourn